

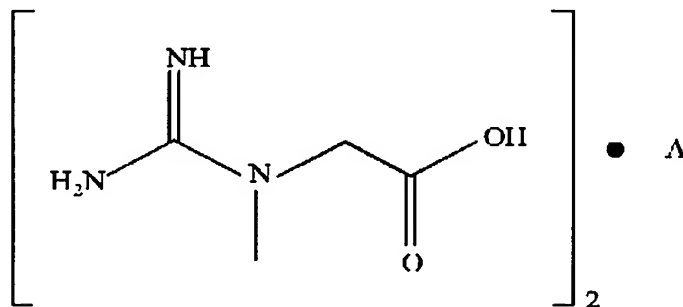
REMARKS

Claims 1 - 13 are pending in the Application.

Claims 1, 7 - 9 are rejected under 35 U.S.C. § 102(b) as anticipated by Thomson, U.S. Patent No. 6,211,407 ("Thomson.") Applicant respectfully traverses the rejection, and respectfully but strenuously disagrees with the Office's position that any of the claims are anticipated (or as discussed below, made obvious) by Thomson.

Thomson discloses a dicreatine salt, with, as the Examiner noted, two creatine cations per citrate dianion, as well as a tricreatine salt with three creatine cations per citrate trianion.

Claim 1 teaches "a creatine salt having the formula



wherein Λ represents an anion of a dicarboxylic acid."

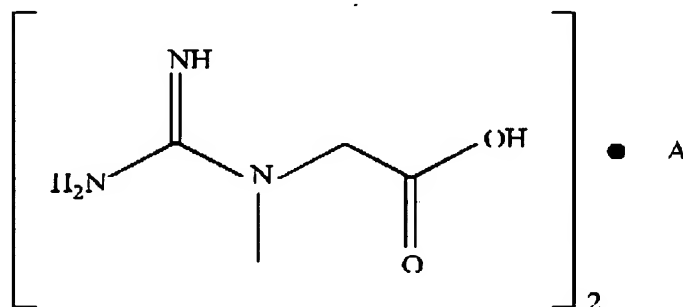
With all due respect to the Examiner, citric acid is a tricarboxylic acid. Therefore, Thomson, with its salt of a tricarboxylic acid, cannot anticipate the salt of claim 1, with its dicarboxylic acid.

It is also submitted that Thomson's dianion of the salt of its tricarboxylic acid is not the same as the anion of a dicarboxylic acid of claim 1.

Thus there are two reasons supporting Applicant's request that the rejection of

claim 1 as being anticipated by Thomson be withdrawn. First, the compounds are not the same, as Thomson involves the salt of a tricarboxylic acid – citric acid – not a dicarboxylic acid. Second, the dianion of the salt of Thomson's tricarboxylic acid is not the anion of the dicarboxylic acid of claim 1.

The same reasoning applies to Applicant's traverse of the Examiner's rejection of claim 7. Claim 7's process is not anticipated by Thomson, as the process calls for the formation of a creatine salt having the formula:



wherein A represents an anion of a dicarboxylic acid.

Again, Thomson does not provide for a dicarboxylic acid, nor an anion of a dicarboxylic acid. Therefore, Applicant respectfully requests the withdrawal of the rejection to claim 7.

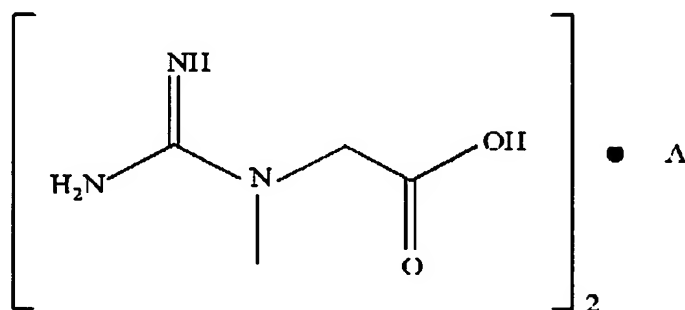
Claims 8 and 9 contain all the limitations of their base claim 7 and therefore, Applicant submits, are allowable as being dependant upon an allowable base claim. Therefore, Applicant respectfully requests the withdrawal of the rejection to claim 8 and 9.

The remaining claims 2-6 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomson. As these are claims that depend from allowable base claims, Applicant respectfully submits that they are allowable as well, as they share all

the limitations of their base claims.

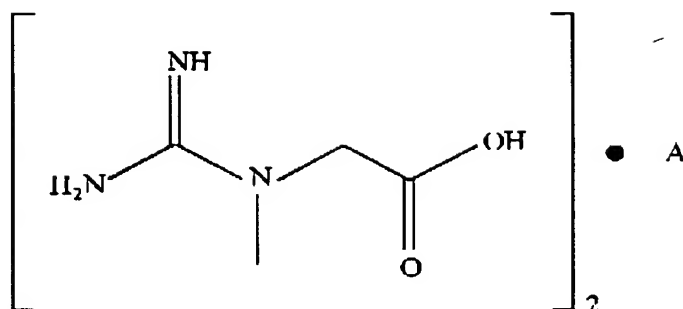
The Office supports its rejection by taking the position that "a mere substitution of a dicarboxylic acid by another" is obvious. Applicant believes the substitution the Examiner is referring to is that of the citric acid disclosed by Thomson. But, as noted above, there is no substitution of one dicarboxylic acid for another. Citric acid is a tricarboxylic acid and therefore the Office's position does not hold whether a person of ordinary skill in the art would recognize the substitution of one dicarboxylic acid by another is not relevant here.

Finally, the Office's position that Thomson teaches that creatine monohydrate can be used to manufacture various salts is, it is submitted, inapposite to the instant claims. What Thomson does not teach, disclose nor suggest is neither of the base claims herein neither claim 1 which calls for a creatine salt having the formula:



wherein A represents an anion of a dicarboxylic acid;

nor claim 7, which calls for the formation of a creatine salt having the formula:



wherein A represents an anion of a dicarboxylic acid.

Rather, Thomson, as was noted above, calls for the dianion of the salt of a tricarboxylic acid.

Thus, Applicant respectfully requests the withdrawal of the rejection to claims 2-6 and 10-13.

CONCLUSION

Therefore, for the reasons given above, Applicant submits the application is now in condition for allowance and Applicant respectfully requests early issuance of the Notice of Allowance.

Respectfully submitted,

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